IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 9020 of 1995

Between:

1 P.Narsimlu, S/O Chinnanna
2 P.Ramulu, S/O Nana
3 P.Ashanna, S/O Raju
4 Kasra Ganganna, S/O Chinna Poshetty
5 Kasra Ramulu, S/O Pedda Poshetty
6 U.Rajanna, S/O Ramulu
7 Vittal, S/O Ramulu

..... PETITIONERS

AND

THE REVENUE DIVISIONAL OFFICER,
ADILABAD.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue any writ order direction more in the nature of Mandamus directing the respondents to transfer the matters relating the lands of petitioners situated at Nishamghat and Bellur covered by the Award Respondent in file No.B-1/BL/1711/81-84

Counsel for the Petitioners: MR.V.MANOHAR RAO

Counsel for the Respondent: GP FOR LAND ACQUISITION

The Court made the following:

ORDER:

The writ petition is filed by the petitioners seeking writ of Mandamus to direct the respondent-Land Acquisition Officer to refer the matters with regard to acquisition of their lands situated at Nishamghat and Bellur Villages of Adilabad District covered by award proceedings in file No.B-1/1711/81-84 to a competent civil Court under Section-18 of the Land Acquisition Act (for brevity 'the Act').

In the affidavit, filed in support of the writ petition, it is the case of the petitioners that dissatisfied with the quantum of compensation awarded, they filed applications under Section-18 of the Act on 02.05.1984 to refer the matter to competent civil Court for enhancement of compensation, but, in spite of the same, without any valid reason the respondent has not taken any steps to refer the matter. Hence, they came up with the present writ petition in the year 1995.

In the counter-affidavit filed on behalf of the respondents it is stated that notification under Section-4 (1) of the Act was issued on

29.12.1982 and award was passed under Section-11 of the Act on 17.04.1984. It is further stated that no applications, as pleaded by the petitioners, are filed under Section-18 of the Act within eight weeks from the date of passing of the award and the petitioners have received the compensation without any protest.

Inasmuch as the very receipt of the applications under Section-18 of the Act is denied by the respondent and moreover when the award was passed in the year 1984, the writ petition is filed in the year 1995, i.e., after a lapse of 11 years and there is no valid explanation for the abnormal delay and latches on the part of the petitioner in approaching this Court, no relief, as such, can be granted in the present writ petition.

The writ petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

_____ (R.SUBHASH REDDY, J)

13.12.2004

DR

To

1. The Revenue Divisional Officer, Adilabad.

2 2CCs to Government Pleader for Land Acquisition, High Court Buildings, Hyderabad. (OUT)

3 2CD copies